

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROBERT H. AJAMIAN,

Plaintiff,

-against-

MEMORANDUM & ORDER  
14-CV-4093 (JS) (GRB)

KINAN NIMEH,

Defendant.

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APPEARANCES

For Plaintiff: Robert H. Ajamian, pro se  
30 Eberle Road  
Latham, NY 12110

For Defendants: No appearances

SEYBERT, District Judge:

By Memorandum and Order dated September 26, 2014 (the "M&O"), the undersigned granted the application of pro se plaintiff Robert H. Ajamian ("Plaintiff") to proceed in forma pauperis regarding his Complaint against Kinan Nimeh ("Defendant") pursuant to 42 U.S.C. § 1983 ("Section 1983"). However, for the reasons set forth in the M&O, the Complaint was sua sponte DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1), and Plaintiff was GRANTED leave to file an Amended Complaint within thirty (30) days from the date of the M&O.

On October 6, 2014, Plaintiff filed a copy of the M&O with a handwritten annotation by Plaintiff that made reference to a case pending in the Northern District of New York. [See Docket Entry No. 7.] Plaintiff's submission was returned by the Court's Pro Se Office with a letter that advised Plaintiff that the Court

cannot act on the October 6, 2014 submission. [See Docket Entry No. 7.] On December 1, 2014, Plaintiff filed a letter wherein he states that he did not timely amend the complaint because he "was unaware of it." [See Docket Entry No. 8.]

Given Plaintiff's pro se status and the apparent confusion concerning the amendment of his Complaint, the Court GRANTS Plaintiff an extension of time within which to amend his Complaint. **Accordingly, Plaintiff's time to file an AMENDED COMPLAINT as set forth in the M&O is EXTENDED through January 9, 2014.** If Plaintiff fails to file an Amended Complaint within the time allowed, the Complaint shall be DISMISSED WITH PREJUDICE. If Plaintiff timely files an Amended Complaint it shall be reviewed pursuant to 28 U.S.C. § 1915A(a). Alternatively, **if Plaintiff wishes to withdraw his Complaint in this Court he may do so on or before January 9, 2014 pursuant to Federal Rule of Civil Procedure 41(a).**

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: December 15, 2014  
Central Islip, New York